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09/342,680 cu

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 09/342,680 | 06/29/99 | ANDERSON | E 1418CIP/P160 |
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EXAMINER

HUYNH, C

ART UNIT

PAPER NUMBER

2776

DATE MAILED:

08/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/342,680

Applicant(s)

ANDERSON ET AL.

Examiner

Cong-Lac Huynh

Art Unit

2776

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

2. It is requested that the current status of the co-pending US application 09/059,611 (page 1) be updated.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2 and 4, it is confusing since the same step (i) with different contents is a further step included in step (b) of claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2776

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 8, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narāyen et al. (US Pat No. 6,035,323, 3/7/00, filed 10/24/97).

Regarding independent claim 1, Narayen discloses:

- generating an Internet page description file in the image capture device that references the images stored therein (figure 1)
- mounting the image capture device as a disk on the host computer (figure 4, col 6, lines 31-48)
- opening the Internet page description file in a web browser on the host computer, wherein the images stored in the image capture device are displayed on the host

Art Unit: 2776

computer through the web browser without the need for loading camera-specific communication software onto the host computer (figure 4, col 7, lines 14-48)

Narayan does not disclose explicitly the establishing of communication between the image capture device and the host computer. Instead Narayan does teach that an user can input digital images from a digital camera into the computer system (col 5, lines 50-67; col 6, lines 28-43). This implies that such communication is established.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Narayan to obtain the display of images from the digital camera on the host computer in which the images are included on a web page and accessible over the Internet.

Claims 8,13 are for the system and the computer-readable medium of method claim 1, and therefore are rejected under the same rationale.

Regarding claims 11-12, it was obvious that the internet page is a HTML page and images are transferred from a digital camera to the host computer and the internet as disclosed above.

8. Claims 2-5, 9-10, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayan as applied to claim 1 above, and further in view of Cohen et al. (US Pat No. 5,805,829, 9/8/98, filed 10/1/96).

Art Unit: 2776

Regarding claim claim 2, which is dependent on claim 1, Narayen does not disclose the providing of Java files with the Internet page description files in the image capture device.

Cohen discloses that a web page can include programs of Java files called applets for execution live images of the web page content (col 1, lines 20-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Cohen into Narayen for providing Java files along with the internet page file for executing images captured from the image capture device connected to the host computer.

Regarding claim 3, which is dependent on claim 2, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have recognized that the images files, which can be in form of Java files, for easy transferring with a large amount of data, are compressed before transferred, and are decompressed after transferred.

Regarding claim 4, which is dependent on claim 3, Narayen discloses the generating the internet page description when the communication with the host computer is indicated (figures 1, 4, 8).

Regarding claim 5, which is dependent on claim 4, Narayen discloses the storing of the images displayed in the web browser on the host computer by copying the compressed

Art Unit: 2776

images files from the image capture device directly to the host computer (col 6, lines 31-45).

Claims 9-10, 14-18 are for the system and the computer-readable medium of method claims 2-5 and therefore are rejected under the same rationale.

9. Claims 6-7, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayen as applied to claim 5 above, and further in view of Wang et al. (US Pat No. 6,058,428, 2/5/00, filed 12/5/97).

Regarding claim 6, which is dependent on claim 5, Narayen do not disclose the copying of image files, which is determined not being previously copied, to the host computer.

Wang discloses:

- determining if any of the compressed image files have previously been copied to the host computer (col 5, lines 59-67; col 6, lines 42-50)
- copying only the compressed image files to the host computer that have not been previously copied (col 5, lines 59-67; col 6, lines 42-50)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Wang into Narayen to enhance that feature to Narayen to avoid the duplicate files when copying.

Regarding claim 7, which is dependent on claim 6, Narayen discloses:

Art Unit: 2776

- uploading the image files and the internet page description file to the host computer (figures 4, 5, 9)
- opening the internet page description file in the web browser on the host computer to display the images stored in the host computer (figures 4, 5, 9)

Though Narayan does not explicitly disclose the computer on which the web page displayed is the host computer. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have recognized that said computer is a host computer as claimed since it is connected to the digital camera.

Claims 19-20 are for the computer-readable medium of method claims 6-7, and therefore are rejected under the same rationale.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson et al. (US Pat No. 5,861,918, 1/19/99, filed 1/8/97) teaches a method and system for managing a removable memory in a digital camera.

Tansley (US Pat No. 5,818,977, 10/6/98, filed 3/13/96) teaches a photometric measurement apparatus.

Squilla et al. (US Pat No. 6,078,756, 6/20/00, filed 4/30/97) teaches a photographic and data transmission system for capturing images and magnetic data.

Squilla et al. (US Pat No. 5,898,779, 4/27/99, filed 4/14/97) teaches a photographic system with selected area image authentication.

Andersson (US Pat No. 6,094,221, 7/25/00, filed 1/2/97) teaches a system and method for using a scripting language to set digital camera device feature.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is (703)-305-0432. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached on (703) 305-4713. The fax number to this Art Unit is (703) 308-5403.

12. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5403 (for informal or draft communications, please label

Application/Control Number: 09/342,680

Page 9

Art Unit: 2776

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA. Sixth Floor (Receptionist).

Clh

8/25/00


STEPHEN S. HONG
PRIMARY EXAMINER